

In the Court of Appeals of the State of Alaska

Saye Gatei,

Appellant,

v.

Municipality of Anchorage,

Appellee.

Court of Appeals No. **A-13455**

Order

Date of Order: **June 26, 2020**

Trial Court Case No. **3AN-17-09915CR**

On June 8, 2020, this Court ordered Attorney Igor I. Herby to pay fine of \$50.00 for failing to file the appellant's opening brief (or a timely motion to extend the deadline for that brief). Under the terms of the June 8 order, Mr. Herby was to deliver this fine to the Appellate Clerk's office on or before June 23, 2020.

As of today (June 26, 2020), the Clerk's office has not received Mr. Herby's \$50.00 fine. On June 17, Mr. Herby filed a motion requesting the due date be extended to August 17, 2020. In that pleading, he also appears to request that the Court not impose this fine because he has been unable to locate the appellant, Saye Gatei.

But this fine was initially imposed in November 2019 because Mr. Herby missed a briefing deadline, and the fine was suspended on the condition that Mr. Herby not violate court rules for 12 months. The fine was then imposed June 1, 2020 because Mr. Herby again failed to timely file the brief or a motion to extend the deadline. Moreover, Mr. Herby's inability to locate Mr. Gatei is no excuse for failing to timely file a motion to extend the deadline for the brief. The \$50.00 fine ordered on June 8, 2020, is still due.

Accordingly, **IT IS ORDERED:**

Gatei v. Anchorage - p. 2
File No. A-13455
June 26, 2020

1. Mr. Herby is directed to show cause why he should not be fined an additional **\$100.00** for failing to pay the \$50 fine.

2. Mr. Herby's response to this order to show cause must be made under oath, and that response must be delivered to the Appellate Clerk's Office by **4:00 p.m. on Monday, July 6, 2020.**

3. The Appellate Clerk's Office is directed to provide a copy of this order to the Denali Law Group.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read 'RMS', is centered within a light gray rectangular box.

Ryan Montgomery-Sythe, Chief Deputy
Clerk

cc: Denali Law Group

Distribution:

Email:
Herbey, Igor Ivanovich, Muni of Anchorage
Stenson, Heather